

REMARKS

The examiner objected to Claim 9 for the limitation "the viable offers" and claim 11 "the number of bits T" and "the " 1 " bits.", indicating that was insufficient antecedent basis for these limitations in the claims.

Applicant has amended claims 9 and 11 and has made corresponding amendments to claims 22, 24 and 29.

35 U.S.C § 102

The examiner rejected Claims 1-30 under 35 U.S.C. 102(e) as being anticipated by Herz (US 2001/0014868). According to the examiner,

Claim 1, Herz teaches:

A method of determining a prioritized listing of offers for use to contact potential customers, the method comprises:
generating an ordered listing of offers from a set of offers, by which to contact a potential customer from a group of potential customers by considering the potential customer independently from others of the potential customers in the group, during
generating of the ordered listing of offers for the potential customer (see paragraphs 158,236-243).

Claim 1 is directed to a computer-implemented method of determining a prioritized listing of offers for use to contact potential customers, and is neither described nor suggested by Herz. In particular Herz neither describes nor suggests ... generating ... an ordered listing of offers from a set of offers, by which to contact a potential customer from a group of potential customers by considering the potential customer independently from others of the potential customers in the group, during generating of the ordered listing of offers for the potential customer.

The examiner considers that Herz describes claim 1 at [0158] as well as paragraphs [0236-0243]. Applicant disagrees.

Paragraphs [0158] is directed to defining the distance between any pair of profiles and in particular directed to: "applying a standard clustering algorithm, such as k-means, to group a set of offers or shoppers into a number of clusters, in such a way that offers or shoppers with similar

profiles tend to be grouped in the same cluster." This grouping of shoppers does not suggest: "generating ... an ordered listing of offers from a set of offers, by which to contact a potential customer from a group of potential customers by considering the potential customer independently from others of the potential customers in the group, during generating of the ordered listing of offers for the potential customer." As explained by Herz, "the k means clustering method ... finds a grouping of points ... to minimize the total of the squared distances between points in the clusters and the centers of the clusters in which they are located." In essence Herz seeks to find a centroid of the cluster to represent the cluster.

Paragraphs [0236-0243] likewise fail to describe or suggest claim 1.

Paragraph [0237] neither describes nor suggests "generating ... an ordered listing of offers from a set of offers, by which to contact a potential customer from a group of potential customers by considering the potential customer independently from others of the potential customers in the group, during generating of the ordered listing of offers for the potential customer." While, Paragraph [0237] mentions: "Broadly speaking, however, only one of these offers should be made to a given shopper at a given time, and it is advantageous for the vendor to choose that offer so as to maximize long-term expected profit." this does not suggest the features of claim 1 nor is even directed to a methodology.

Paragraphs [0238-0239] merely discuss how the profit on a sale is determined.

Paragraph [0240] discusses: "... to try to maximize profit per shopper: e.g., for each product, make the highest-priced offer (price, advertisement and all) that the shopper is likely to accept." However, Herz teaches to: "... estimate, for each offer j, the expected quantity $\sum p_{ij} q_i$ that the shopper would buy." However, rather than considering each individual separately, Herz teaches: "To make this estimation, we attempt to generalize to this (shopper, offer) pair from other, similarly profiled (shopper, offer) pairs, for which the actual quantities sold are known."

Herz also states that: "The most straightforward way to address this problem is to group shoppers together to predict how likely each shopper is to purchase a given offer (which includes product, price and promotion), and then use a separate optimization method to determine which offers to make. Once one has estimated $q(V,X)$ by clustering similar shoppers and offers

together (as described above) and using the expectation that similar shoppers will buy similar quantities of similar offers, then profit can be maximized directly by the obvious method of seeing what V and X make the profit largest.”

Thus, in no sense can Herz, which seeks to cluster shoppers, be construed to suggest: “generating ... an ordered listing of offers from a set of offers, by which to contact a potential customer from a group of potential customers by considering the potential customer independently from others of the potential customers in the group, during generating of the ordered listing of offers for the potential customer.”

Also in paragraph [0241] Herz poses as an alternative: “...clustering the shoppers by-- and providing each cluster of shoppers with a cluster specific offer for each product, ...”

Claims 2-6 are allowable at least for the reasons discussed in claim 1.

Claims 7, 20 and 28

Claim 7 is directed to a computer-implemented method of determining a prioritized number of offers. Claim 7 includes determining ...an ordered set of offers to be sent to each customer. Claim 7 also include that: “for each customer, eliminating any offers that are not applicable to the customer based on eligibility rules for the offer or offers for which an expected profit for the customer is below a threshold amount; and ordering remaining offers by expected profit.

The examiner contends that:

Claims 7, 20 and 28, Herz teaches:

A method of determining a prioritized number of contacts to customers from a group of customers, the method comprises:

determining an ordered set of offers to be sent to each customer, and for each customer, eliminating any offers that are not applicable to the customer based on eligibility rules for the offers or offers for which an expected profit for the customer is below a threshold amount (see paragraph 257); and

ordering remaining offers by expected profit (see paragraphs 237-240; 257-258).

As discussed above, Herz neither describes nor suggests determining an ordered set of offers to be sent to each customer at least in paragraphs 237-240.

The examiner argues that these features are additionally taught in paragraphs [0257-258]. Applicant disagrees. Paragraph [0257] appears to be directed to making clusters more easily accessible, whereas, [0258] is another offer selection technique that "...presents the shopper with a menu of subclusters of a cluster C of offers, it can simultaneously present an additional menu of the most interesting offers in cluster C, so that the shopper has the choice of accessing a subcluster or directly accessing one of the offers." Neither of these paragraphs describe or suggest the features of claim 7.

Claims 20 and 28 are allowable for analogous reasons as given in claim 7.

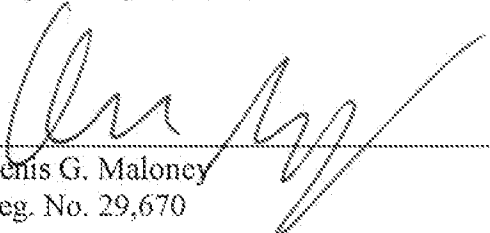
Dependent Claims 8-19; 21-27 and 29-36 are allowable at least for the reasons discussed in their respective independent claims.

No fee is believed to be due. If a fee is due, please apply that fee and any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date:

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